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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,840	12/27/2001	Bryan M. Elwood	87289.2240	9838

7590 12/11/2007

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EXAMINER	
DANNEMAN, PAUL	
ART UNIT	PAPER NUMBER
3627	
MAIL DATE	DELIVERY MODE
12/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/026,840	ELWOOD ET AL.	
	Examiner	Art Unit	
	PAUL DANNEMAN	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 November 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 November 2007* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is in reply to Applicant's response, filed on 8 November 2007 to the first office action.

2. Claims 1-4, 7-8, 12, 16-18, and 21 have been amended.

3. The Drawings have been amended.

Response to Arguments

4. Applicant's arguments with respect to **Claims 1-21** have been considered but are moot in view of the new ground(s) of rejection.

5. Examiner has reviewed the drawings and thanks the Applicant for formalizing the drawings. Examiner respectfully withdraws the objection to the drawings.

6. **Claim 17** has been amended to remove the Trademarked Item from the claim. Examiner respectfully withdraws the objection to Claim 17 under 35 U.S.C. § 112.

Status of Claims

Claim Rejections - 35 USC § 103

7. **Claims 1 through 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogen, US 4,114,559 and further in view of Curry et al., US 6,217,213 B1 henceforth known as Curry and further in view of Richard et al., US 6,564,120 B1 henceforth know as Richard.

Claims 1, 2-15, 17 and 19-21:

- ***Tracking device tracks time and temperature at discrete time intervals.***

 Rogen in combination with Curry disclose the use of a temperature monitoring button (Rogen, Column 1, lines 49-57) applied to each package to be monitored in a manner where the temperature of the package contents and not the ambient temperature are monitored. Rogen

further discloses in at least Column 3, lines 65-67 that the temperature monitoring button may be adhered to the wall of a blood bag or other package for refrigerated material. Curry, per applicant's specification paragraphs [0045] through [0049] is a temperature monitoring button which may be adhered to the item being monitored and records time and temperature at discrete time intervals. Curry, at the time of the invention was representative of advances taking place in the semiconductor industry. Rogen teaches a device for monitoring the temperature using shape memory material which changes when exposed to a particular change in temperature. Curry discloses a device where a crystalline structure when exposed to a particular change in temperature also changes it characteristics in a manner that is representative of the temperature change. Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill in the art to move from the use of a Rogen type device to a Curry device representing the latest innovation in technology and affording the user additional useful features.

Richard does not teach the features of Rogen and Curry. However, Richard does in at least Fig. 8, Column 2, lines 14-28 disclose:

- ***A storage unit;***
- ***With inner removable storage unit.***

Richard in at least Column 5, lines 42-54 further discloses:

- ***Processing device that reads the tracking data from the tracking device.***

Richard in at least Column 2, lines 25-28 discloses a computer operatively connected to a robot mechanism for controlling movement and access operation and for registering the contents of the storage receptacles.

- ***A data storage device electrically linked to the processing device;***
- ***Tracking data is stored in the data storage device.***

Richard in at least Column 3, lines 1-7 discloses the storage receptacles in a rectangular grid array. Richard in at least Column 3, lines 26-30 further discloses that the storage receptacles are analogous to safety deposit boxes with an inner and outer panel to allow access to the safety deposit boxes and further discloses in Column 7, lines 13-15 that storage containers may take any form known in the art.

- ***Inner storage unit is a rack, a drawer storage rack or a drawer.***
- ***Inner storage unit is a shelf, a tray.***
- ***Inner storage unit is a Petri dish.***

Claim 16:

Rogen and Curry do not disclose the following limitations:

- ***Attaching a mechanical arm onto a surface of the storage unit; and***

Richard does not specifically disclose a mechanical arm on the surface of the storage unit. However, Richard in at least Column 6, lines 14-33 discloses that the robot mechanism grasps a hook or other coupling element on the storage unit to extract the storage unit from the storage receptacle. Therefore it would be obvious, at the time of the invention, to a person of ordinary skill in the art that a hook or coupling element is essentially a mechanical arm which serves as a handle allowing the storage unit to be easily removed and replaced within the storage receptacle.

With regard to the limitation:

- ***Coupling a tracking device onto the mechanical arm.***

Richard does not specifically disclose a tracking device coupled to the mechanical arm. However, Richard in at least Column 5, lines 46-50 does disclose the use of bar codes for enabling continued automated supervision and control. Richard in at least Column 6, lines 62-67

further discloses bar code applied to the end walls of the removable storage units, identifying the contents of the storage unit. Therefore it would be obvious, at the time of the invention, to a person of ordinary skill in the art that a bar code is a type of tracking device used for tracking inventory when the bar code is properly attached to the item being tracked.

Claim 18:

Rogen and Curry do not disclose the following limitation:

- ***Wherein the mechanical arm is a restraint latch.***

Richard does not disclose a restraint latch. However Richard in at least Column 6, lines 1-5 discloses that the storage unit has compartments and each is closed by a friction-lock, slide-lock or snap-lock covers. Therefore, it would be obvious, at the time of the invention, to one of ordinary skill in the art that friction-locks, slide-locks or snap-lock covers are types of restraint latches which are used to prevent a storage unit from accidentally opening and spilling its contents while the storage unit is being inserted or removed from the storage receptacle and during the transportation from one location to another.

Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill in the art to move from the use of a Rogen type device to a Curry device representing the latest innovation in technology which affords the user additional useful features. The further modification of Rogen and Curry with Richard would have been obvious, at the time of the invention, to one of ordinary skill in the art as Richard is the refrigeration system into which containers of biological materials which have a Rogen or Curry type temperature monitoring button are placed into for refrigeration, tracking and security purposes.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Harms et al., US 5,364,385 teaches a storage bag for blood and blood components with temperature monitoring
- Jentsch et al, US Pub 2001/0033233 A1 teaches a device and method for product monitoring and management.
- De La Forterie, US 6,326,892 B1 teaches a miniaturized electronic casing for monitoring the cold chain for perishable products.
- Suzuki et al, teaches a cholesteric liquid crystal formulations for time and temperature monitoring.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL DANNEMAN whose telephone number is (571)270-1863. The examiner can normally be reached on Mon.-Thurs. 6AM-5PM Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul Danneman/

Examiner, Art Unit 3627

8 December 2007

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627